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VOLUME 2

Reading Materials for

LAW. THE INDIVIDUAL AND THE COMMUNITY: A CROSS-CULTURAL DIALOGUE

Co-instructors, 1998-1999:

Abdullahi An-Na`im (Emory),
Martin Scheinin (Abo/Turku),
Craig Scott (Toronto), and
Kevin Tan (Singapore)

Volume 2 prepared by:

Prof. Craig Scott,
Faculty of Law,
University of Toronto

with the research assistance of
Steph Marrie

December 1998

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Introductory Note: This volume contains readings designed to generate discussion amongst the "global classroom" participants on concrete fact situations and normative issues. These materials are to be read in tandem with a parallel volume of more general readings prepared by Professor Tan (National University of Singapore), in accordance with advance "readings and questions" instructions that will be provided by the course co-instructors as the course progresses.

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The Death Penalty for Minors and U.S. Obligations under the American Declaration: Case 9647, in Buergenthal, Norris and Shelton, eds., *Protecting Human Rights in the Americas*, 3rd ed. (Engel, 1990) @ 328, (Inter-American Commission on Human Rights) 17

Report of the [United Nations] Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye, submitted pursuant to [United Nations] Commission [on Human Rights] resolution 1997/61: Addendum -- Mission to the United States of America, UN Doc. E/CN.4/1998/68/Add.3 (22 January 1998) 23

Justice Lewis Powell, Jr., "*McCleskey v. Kemp*: The Point"; Paul G. Cassell, "The Rare Chance of Mistaken Execution"; and Mona Charen, "The Retarded, Too, Must Pay For Their Crimes" in Gary E. McCuen, ed., *The Death Penalty and the Disadvantaged* (Hudson, Wisconsin: Gary E. McCuen Publications, 1997) at 23, 62, and 113 respectively 36

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Dudgeon v. United Kingdom, 4 EHRR 149 (EurCtHR, 23 September 1981) 128

Stephen Jeffrey-Poulter, "Telling the Cat It Was Declared an Official Vegetarian: 1977-1982" in *Peers, Queers, and Commons: The struggle for gay law reform from 1950 to the present* (London and New York: Routledge, 1991) at 136 143

Toonen v. Australia, Communication No. 488/1992, UN Doc. CCPR/C/50/D/488/1992 (1994) (UNHRC) 153

Wayne Morgan, "Protecting Human Rights or Just Passing the Buck? The Human Rights (Sexual Conduct) Bill 1994"(1994) 1 Australian Journal of Human Rights 409 157

Fang-fu Ruan and Yung-mei Tsai, "Male Homosexuality in Contemporary Mainland China" in Wayne R. Dynes and Stephen Donaldson, eds., *Asian Homosexuality* (New York and London: Garland Publishing, 1992) at 189 160

Took Took Thongthiraj, "Toward a Struggle against Invisibility: Love between women in Thailand"in Russell Leong, ed., *Asian American Sexualities* (Routledge, 1996) at 163 166

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Philip Alston, "The Best Interests Principle: Toward a Reconciliation of Culture and Human Rights" in Philip Alston, ed., *The Best Interests of the Child, supra* at 1 321

Abdullahi An-Na`im, "Cultural Transformation and Normative Consensus on the Best Interests of the Child" in Philip Alston, ed., *The Best Interests of the Child, supra* at 63 333

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Robert G. Davis, Case Comment on *DeShaney v. Winnebago County Department of Social Services*, 109 S. Ct. 998 (1989), (1990) 24 Suffolk University Law Review 246 402

M. Sornarajah, "South East Asia and International Law -- State Responsibility and Sex Tours in Asia" (1997) 1 Singapore Journal of International and Comparative Law 414 at 422 407